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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 CURLIN PENNICK III,

9 Plaintiff,

v.

10 DAVID MCLENDON,

11 Defendant.

CASE NO. C18-5857 BHS-JRC

ORDER ADOPTING REPORT  
AND RECOMMENDATION

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13 This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 5. The Court  
14 having considered the R&R and the remaining record, and no objections having been  
15 filed, does hereby find and order as follows:

17 (1) The R&R is **ADOPTED**;

18 (2) Because plaintiff has already brought at least three unsuccessful suits that  
19 were malicious, frivolous, or failed to state a claim, plaintiff’s motion to  
20 proceed *in forma pauperis*, Dkt. 4, is denied under 28 U.S.C. § 1915(g);  
21 and  
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1 (3) Plaintiff is directed to produce the \$400.00 filing fee within thirty days of  
2 the entry of this order. Failure to do so will result in dismissal of Plaintiff's  
3 action without prejudice for failure to provide the filing fee.

4 Dated this 26th day of December, 2018.

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7 BENJAMIN H. SETTLE  
8 United States District Judge  
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